



ITW

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of      Ira YARON, et al.  
Group Art Unit                :      3731  
Application No.                :      10/692,934  
Examiner                        :      Tyson  
Filed                             :      27 October 2003  
Docket No.                     :      2388/46607  
For                                :      **INTRAOCULAR IMPLANT, DELIVERY DEVICE, AND  
METHOD OF IMPLANTATION**

**REQUEST FOR RECONSIDERATION OF REFERENCES PREVIOUSLY  
SUBMITTED IN INFORMATION DISCLOSURE STATEMENT**

COMMISSIONER FOR PATENTS  
Customer Service Window  
Randolph Bldg.  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached form PTO/SB/08. Other than U.S. Patent Documents, one copy of each reference is enclosed. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed form PTO/SB/08, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).

The Applicant notes that the application is under final rejection but respectfully requests consideration of these references for the following reasons. First, all of the references listed in the Foreign Patent Documents and Non-Patent Literature Documents were previously cited by or submitted to the Office in application no. 09/383,472, filed August 26, 1999, now U.S. Patent No. 6,468,283, which is relied upon for an earlier filing date under 35 U.S.C. § 120. According to MPEP § 2001.06(b):

If the application under examination is identified as a continuation, divisional, or continuation-in-part of an earlier application, the examiner will consider the prior art cited in the earlier application. See MPEP § 609. The examiner

must indicate in the first Office action whether the prior art in a related earlier application has been reviewed. Accordingly, no separate citation of the same prior art need be made in the later application.

Accordingly, all of the references listed in the Foreign Patent Documents and Non-Patent Literature Documents should be considered by the Examiner even without separate citation of the same prior art by the Applicant.

In addition, all of the references listed in the Foreign Patent Documents and Non-Patent Literature Documents were previously listed by the Applicant in an Information Disclosure Statement in this application. However, the Examiner drew a line through these references. (See attachments to Office Action dated September 14, 2006). There was no indication as to why the references were lined out. If it is because copies were not submitted, the Applicant respectfully points out that copies of the references were not required because they were cited in the earlier application no. 09/383,472, relied upon for an earlier filing date under 35 U.S.C. §120. 37 CFR §1.98(d).

With respect to the two U.S. Patent Documents listed, the Applicants respectfully request consideration of these references for the following reasons. First, U.S. Patent No. 5,283,063 is cited as a correction, because the reference was previously incorrectly listed as U.S. Patent No. 5,238,063. (See attachments to Office Action dated September 14, 2006). Second, U.S. Patent No. 5,879,319 is listed because it is a counterpart of one of the listed foreign patent documents, namely FR 2 721 499.

Based on the foregoing, it is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

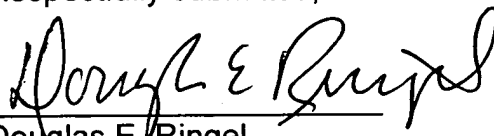
It is believed that because this is a request for reconsideration, no fees are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

Date: 08 April 2008

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Respectfully submitted,

  
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